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ELECTION COMMISSION, INDIA

NOTIFICATION

New Delhi, the 27th May 1957

S.R.O. 1856.—In pursuance of the provisions of sub-section (1) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 451 of 1957, presented to the Commission on the 4th May, 1957 under section 81 of the said Act, by Haji Abdul Wahid s/o Hafiz Abdul Ghani, resident of Mohalla Khairabad, District Sultanpur, Uttar Pradesh calling in question the election to the House of the People from the Musafirkhana constituency of that House of Dr. Balkrishna Vishwanath Keskar, Minister for Information and Broadcasting, India, New Delhi.

Presented to me by Shri Zamin Ali Khan Ahmed who has been duly authorised by the petitioner to present this petition and whose signature has been obtained in the margin and attested as having been signed before me this the fourth day of May one thousand nine hundred and fifty seven.

(Sd.) DIN DAYAL,
4-5-57,

Under Secretary,

Election Commission, India.

(Sd.) ZAMIN ALI KHAN AHMED.

Attested

(Sd.) DIN DAYAL.
4-5-57.

THE ELECTION COMMISSION, INDIA, NEW DELHI

ELECTION PETITION No. 451 of 1957

Haji Abdul Wahid s/o Hafiz Abdul Ghani, resident of Mohalla Khairabad, District Sultanpur, U.P.—*Petitioner.*

Versus

1. Dr. Balkrishna Vishwanath Keskar s/o
Minister for Information & Broadcasting, India, New Delhi.
2. Shri Vidyadhar Bajpai s/o Shri Chandra Dutt Bajpai, resident of
Mohalla Khairabad, District Sultanpur, U.P.—*Respondents.*

Election Petition under Section 81 of the Representation of the People Act, 1951 (as modified upto the 1st August 1956) challenging the election of the Respondent No. 1 from the Musafirkhana Parliamentary Constituency in the District of Sultanpur in the General Elections of 1957.

The abovenamed petitioner begs to state as follows:—

1. That the president of the Indian Union issued a Writ on the 15th day of January 1957 directing the electors to elect their representatives to the Lok Sabha before March 31st 1957.

2. That in pursuance of the above Writ the 29th day of January 1957 was fixed as the last date for filing the nomination papers by the candidates before the Returning Officer. The scrutiny of the nomination papers so filed was made on 2nd February 1957, and the last date fixed for withdrawal of the nomination of any candidate was 4th February 1957.

3. That the petitioner as also respondents 1 and 2 filed nomination papers for election to the Lok Sabha from the Musafirkhana Parliamentary Constituency.

4. That the nomination papers of all the 3 candidates aforesaid were found valid, but by the last date of withdrawal Respondent No. 2 had withdrawn his candidature leaving the petitioner and Respondent No. 1 in the field to contest the election in a straight fight. The petitioner contested the election as an independent candidate with the symbol of 'Elephant' whereas the respondent No. 1 was on Congress ticket and his symbol was 'A pair of bullocks with yoke on'.

5. That polls in the said Parliamentary Constituency took place on the 3rd, 8th and 9th March, 1957 between the hours 8 A.M. to 4 P.M.

6. That the counting of votes was held on the 18th March 1957, as a result of which the Returning Officer declared Respondent No. 1 to have been duly elected to the Lok Sabha from the said Parliamentary Constituency on 20th March 1957.

7. That the election in question was not free and fair, in that the respondent No. 1 used his position as a Minister of the Indian Union with the then District Magistrate of Sultanpur and his numerous subordinates to enlist their support for his election. The then District Magistrate and his sub-ordinates, at the instance of Respondent No. 1, not only arranged his election meetings through the Sub-divisional Officers, Tahsildars, Naib-Tahsildars, Qanungos, Lekhpals and N.E.S. Block Officers, but also instructed them to use their official influence to induce the electors to cast their votes in his favour.

8. That simultaneously with the issue of the Writ by the President of the Indian Union as referred to in para 1 above, the Respondent No. 1 rushed to this district on the 15th of January 1957, and toured his constituency on that day and the day following in a State Car bearing the Ashok Chakra, the emblem of the Government of India, at conspicuous places in the front as well as in the rear of the car. This coupled with the fact that wherever Respondent No. 1 went, the police and other officers of the District were in attendance on him and at various places he was given guard of honour by the Police, gave the impression upon the electorate from the very beginning of the election that the Government was backing Respondent No. 1 and voting not in his favour would mean incurring the displeasure of the Government. The result was that a very large number of voters who would otherwise have voted and worked for the petitioner went to the side of the Respondent No. 1. The programme of this visit of Respondent No. 1 to the district was issued by and under the signature of Shri H. D. Pradhan, the then District Magistrate and also got circulated by him and on his behalf. A copy of this programme, marked App. I, is attached hereto.

9. That what has been described in paras 7 and 8 above also amounts to obtaining or procuring assistance for the furtherance of the prospects of ones election from persons in the service of the Government and is a very serious and major practice as defined in Sec. 123(7) of the Representation of the People Act.

10. That it was only through recourse to fraud, intentional misrepresentation, corrupt practices and other electoral offences as detailed in the following paragraphs that Respondent No. 1 could manage to secure the majority of votes and won the election otherwise the chances for the petitioner's getting a thumping victory at the polls were very bright.

11. That besides the corrupt practices shown in paras 7 and 8, the following other corrupt practices were also committed, during the course of the election, by the respondent No. 1 and his agents, canvassers and supporters:—

(a) That a promise was held out by Respondent No. 1 and other Congress leaders to Yuvraj Kunwar Rananjaya Singh of Amethi, who in the last General Elections of 1952 had successfully contested the election to the U.P. Legislative Assembly from the Amethi Constituency as an independent candidate against the Congress candidate, Shri Baijnath Singh, defeating the latter by a huge majority of votes, that if he worked, canvassed and voted for respondent No. 1, they would get him nominated as a member of the U.P. Legislative Council, and the said Kunwar Rananjaya Singh thus became an active supporter, worker and canvasser of the Respondent No. 1. He (the said Kunwar Rananjaya Singh) held public meetings in support of Respondent No. 1's election at Kalikan, Shardan, Amethi, Thengaha Gaurigunj, Dhammaur and other places, most of which were attended and addressed amongst others by Respondent No. 1 himself, and gave out threats that the petitioner carried on the trade of animal bones including, in particular bones of cows, which naturally injures the sentiments of Hindus and that if elected to the Lok Sabha he would leave no stone unturned to get cow slaughter re-started and that, therefore, any Hindu voting for him would become or would be rendered an object of divine displeasure or spiritual censure. They not only attempted to decry the petitioner by making speeches in public meetings, but the said Kr. Rananjaya Singh also got a notice to that effect printed, published and distributed among the electorate. Copy of the notice is attached herewith and marked App. II. A similar notice was also printed, published and distributed among the electorate by Shri Rudra Pal Misra and others. A copy of this notice is also appended hereto and forms App. III.

(b) That Shri Ram Kishore Shastri, Private Secretary to the said Kunwar Ranajaya Singh, who too was working as an agent, canvasser and supporter of the respondent No. 1, also sent for publication in the 'Sanatan' a local newspaper, a notice containing the statement as shown in sub-para (a) as also a statement to the effect that the petitioner was spending money like water among the electorate and purchasing votes. These statements in the notice were totally false to the knowledge of belief of the said agent and it was calculated to prejudice the prospects of the petitioner's election. This was clearly a corrupt practice within the meaning of section 123(4) of the Representation of the People Act.

(c) That it was also given out in public meetings by Respondent No. 1. Shri Kunwar Rananjaya Singh and respondent No. 1's other supporters, workers and canvassers that the petitioner was a Pakistani Agent and if elected to the Lok Sabha he would vote in favour of Kashmir's accession to Pakistan and that the Hindus should not, therefore, support him, but should instead cast their votes in favour of the Respondent No. 1. The same propaganda was also contained in the notices App. II and III. All this clearly amounted to a systematic appeal by Respondent No. 1, his agents, and workers to electorates to vote for him and refrain from voting for the petitioner on grounds of caste, race or community, and comes within the mischief of section 123(3) of the Representation of the People Act. The result of this propaganda was that Shri Vijai Pal Pandey and Smt. Savitri Devi who were candidates from the Assembly constituencies of Amethi and Lambhuwa respectively comprising the said Parliamentary constituency had promised their full support to the petitioner withdrew the same.

(d) That the corrupt practice of making systematic appeal to electors to vote for Respondent No. 1 and refrain from voting for the petitioner on ground of caste and community was also committed by the respondent No. 1 and his active workers, canvassers and supporters; in that Shri Jagga Dass Harijan appealed to the Harijan voters of the said Parliamentary constituency to vote and work for respondent No. 1 for whom he himself had been working because being Hindus and particularly belonging to the Harijan community they all must remain with him and never think of supporting the petitioner who was a Muslim.

(e) That the Respondent No. 1 is also guilty of corrupt practice of using national symbols such as the national flag or the national emblem (Ashok Chakra) for the furtherance of the prospects of his election as defined under section 123(3) of the Representation of the People Act. The details of his corrupt practice have already been given in para 8 above.

(f) That the publication of the notices (Appendix II and III as referred to in sub-para (a) of Para II above, besides falling within the ambit of sub-sections 2(a) (ii) and (1) of section 123 of the Representation of the People Act also amounts to publication by Respondent No. 1 and by his agents, and workers of a statement of a fact which was false to their knowledge and belief and was calculated to prejudice the prospects of the petitioner's election. It was also, therefore clearly a corrupt practice as defined in section 123(4) of the Representation of the People Act.

(g) That the Respondent No. 1 himself and through his active workers, supporters and agents *e.g.* Sarvsi Deokalidin Sharma, President, District Board, Sultanpur, Ram Jiawan Dube, President, District Congress Committee, Gur Pd. Singh, M.L.A., Rama Kant Singh, a Congress candidate for the Amethi Assembly constituency comprising the said Parliamentary Constituency and others engaged a number of Ekkas and Rickshaws to convey the voters to the various polling stations and thereby committed the corrupt practice as defined in section 123(5) of the Representation of the People Act.

(h) That Shri Deokali Din Sharma, President of the District Board, Sultanpur was appointed Sanchalak (Director) of the local Congress Elections by the U.P. Congress Parliamentary Board. He toured the said Parliamentary Constituency in the District Board Station Wagon in furtherance of the prospects of respondent No. 1's election, organised election meetings and actively canvassed for him. At the instance and within the knowledge of Respondent No. 1, he collected the teachers serving in the Primary and the Junior High Schools within the said Parliamentary Constituency and exercised undue influence over them by threatening them that if they and the member of their families did not cast their votes in favour of respondent No. 1 and they did not otherwise canvass and work for him, they would be dismissed, degraded or transferred to schools situate far away from their homes, and thus direct and indirect interference or attempt to interfere with the free exercise of the electoral rights of those teachers and of the members of their families was made rendering Respondent No. 1 guilty of the corrupt practices as defined in section 123(2) of the Representation of the People Act. The list of teachers of the various schools upon whom such undue influence was exercised is attached to this petition and marked Appendix V.

(i) That on 5th February 1957 the respondent No. 1 and the said Shri Deokalidin Sharma called before them some of these teachers serving under the District Board who were ordinarily residents and electors of the said Parliamentary constituency but were posted at distant and far off places and told them that if such teachers themselves voted, worked and canvassed for respondent No. 1 and also persuaded the members of their families to do likewise, he would transfer them back near their houses, and thereby the corrupt practice of bribery *i.e.* promising gratification to electors with the object of inducing them to vote for respondent No. 1 and refrain from voting for the petitioner as defined in section 123(1) of the Representation of the People Act was committed. A list of such teachers is attached to this petition, and forms Appendix VI.

(j) That respondent No. 1 and the said Shri Deokali Din Sharma and the other agents and canvassers of respondent No. 1 offered the following other inducements to the voters to cast their votes in favour of respondent No. 1 and refrain from voting for the petitioner which amounted to bribery *i. e.* offer or promise of any gratification to any elector with the object of inducing him to vote or refrain from voting at an election within the meaning of section 123(1) of the Representation of the People Act.

(i) On 6th February 1957 the said Shri Deokalidin Sharma gave out in a public meeting at Lambhuwa Bazar that if the people of that locality voted and supported respondent No. 1, he would get a female Hospital opened there. The meeting was attended amongst others by Respondent No. 1 and Shri Sahdeo Singh.

(ii) That the said Shri Deokalidin Sharma held out a promise that if the electors of those areas voted, worked and canvassed for Respondent No. 1 and got him elected, he would take over the (Private) Junior High Schools of Pure Madanpur Bagh Rai under the management of the District Board.

(iii) That the respondent No. 1 held out a promise on 16th February 1957 to the electors of the Ramgunj area that if they voted and canvassed

for him, he would get the Ramgunj School recognised by the Director of Education, U.P., and he actually fulfilled his promise after his success at the election.

- (iv) That an election meeting at Pakhrauli was organised and convened in support of the candidature of the respondent No. 1 by Shri Chandrabali Pathak and the respondent No. 1 himself and some others also delivered speeches therein. The Gram Sabhapaties of nearby Sabhas were also specially called to attend that meeting. In that meeting respondent No. 1 told the audience that it was he who was responsible for the restoration of the dismantled Lucknow-Jaunpur Railway Line and that he had also had already arranged to get Pakhrauli made a flag station, but that he would let that scheme materialise only if the voters of Pakhrauli and other surrounding villages worked and voted for him failing which he would see that that scheme was finally dropped or atleast shelved and put in cold storage.
 - (v) That Shri Binda Prasad Chairman and Sarvasri Sahdeo Singh, Raj Kishore Dubey, Sainaram and Tribhuwan Dutt Pandey, Directors of the Co-operative Bank Ltd., who were all the active workers and canvassers of Respondent No. 1 approached the debtors to the Cooperative Societies and secured their votes and support for respondent No. 1 on the promise that they would be granted time for repayment of the dues against them which would otherwise have been realised by resorting to coercive measures.
 - (vi) That a public promise was made to the Managing Committee, the teachers and the students of the Higher Secondary Schools at Ramgunj, Bharkhare, Chamkia and Shukul Bazar to the effect that the said schools would be raised to the standard of Intermediate colleges if they would themselves vote and also secure the votes of other electors for respondent No. 1. As a result of this promise all the members of the managing committees, the teaching staff and the students of the said schools worked and canvassed for respondent No. 1.
 - (vii) That Shri Bankey Behari, Paid Bhoodan worker exercised undue influence over a large number of voters by inducing them to vote for respondent No. 1 and refrain from voting for the petitioner under the threat that if they did not do so the land given to them by and on behalf of Bhoodan Samiti would be taken back.
- (k) That the respondent No. 1 and his agents and workers such as the said Shri Deokalidin Sharma, Shri Ram Narain Misra Vakil, Sht. Prabhawati Devi—a congress candidate for the Assembly from the Lambhuwa constituency and others, also exercised undue influence, in the following manners over the electors by interfering or attempting to interfere with the free exercise of their electoral rights by threatening them to injury if they did not vote for respondent No. 1 and the corrupt practices as defined in section 123(2) were thus committed by them:—
- (i) That on 16th February 1957 in a meeting organised in Shambhugunj Bazar in support of the candidature of the respondent No. 1, the said Shri Deokalidin Sharma and Shri Chandres Singh gave out there if the electors of that area would not vote for and return respondent No. 1, the proposal for converting the Hanumangunj Sheogarh Kuchha Road into a pucca one would be dropped by the District Board.
 - (ii) That the said Shri Deokalidin Sharma, as President, of the District Board, deputed Shri Jagga Dass Harijan, a paid work agent of the District Board to canvass support of the Harijans for the candidature of respondent No. 1. The said Shri Jagga Dass, through Sarvasri Budhu Das, Shriwan, Tirl, Lutawan—Harijans organised meetings of the Harijans at Abhaia Kalan, Lambhuwa, Kandhaipur, Carabpur, Miranpur, Ramgunj, Badha and other places on different dates between the 4th and 8th of March 1957 and gave it out in meetings that if they did not vote for respondent No. 1, not only he (Jagga Dass) would lose his job, but all the educational and other facilities granted to the Harijans by the Government would be withdrawn. This false propaganda induced numerous Harijans who would otherwise have voted to the petitioner to cast their votes in favour of Respondent No. 1.

(iii) That Respondent No. 1, his agents, workers and supporters also induced the petitioner's workers Sarvsri by giving them pecuniary gratifications and gratifications estimable in money, to refrain from voting and working for the petitioner.

(l) That besides what has been shown in paras 7 & 8 of the petition, Respondent No. 1, his workers and agents, e.g. the said Sri Deokalidin Sharma, the said Shrimati Prabhwati Misra, the said Sri Ram Narain Misra Vakil, Shri Gur Pd. Singh then a sitting M.L.A. and also congress candidates for the Musafirkhana Constituency of Assembly comprising the said Parliamentary constituency and others also committed the corrupt practice defined in sec. 123(7) of the Representation of the People Act by obtaining assistance for the furtherance of the prospects of the election of Respondent no. 1 from the Agriculture Inspector of Musafirkhana, Sri (name not known), the Panchayat Secretary of Kalyanpur Sri Ram Narain, the Branch Postmaster of Garabpur, Shri Kashi Pd. Shukla, and Sarvsri Ram Achhaibar Shukla. Sahdeo Singh, Ram Saran Singh, Sarpanches of Panchayat Adalats, Ram Newaj Singh respectively etc. etc. The said Agriculture Inspector was called to Lambhuwa to influence the voters in favour of respondent no. 1. The said Branch Post Master and the said sarpanches worked as polling agents of respondent no. 1. The said Shri Deokalidin Sharma, President of the District Board, too toured the said Parliamentary Constituency on 1st February 1957 in the District Board Station Wagon and ordered the District Board School teachers of Pakhrauli, Lehramau, Bhadaiyan, Madanpur, Lambhuwa and other places to close their schools after mid-day interval and go to canvass support for respondent no. 1.

(m) That the Government of India of which Respondent no. 1 is a Minister issued a postage stamp series being on bearing on its face the picture of the party symbol of respondent No. 1 of 'a pair of bullocks with yoke on' and thereby undue influence and inducement for voting in favour of respondent no. 1 was exercised on the electors.

(n) That the respondent no. 1 through his agents, workers and canvassers got one of the active workers of the petitioner, Pahari Gujar, who wielded considerable influence in his neighbouring villages in general and among the Gujars in particular abducted or killed. At first attempts were made by respondent no. 1 and his agents, workers, supporters and canvassers to exercise undue influence over him to induce him to refrain from working for the petitioner, but when he did not yield to the temptations given to him by those persons he was got abducted or killed by the persons aforesaid on 17th February 1957. He told Sri Jagat Narain Tewari of near Jemon that he had reliably learnt that attempts were being made to abduct or kill him by the opposite party; and he has never been seen nor any trace of him could be found since 17th February 1957. His brother even submitted an application to the Superintendent of Police Sultanpur to get any trace of the said Pahari Gujar, who was carrying on the election campaign on behalf of the petitioner in Bhawanshahpur, found, but the said Superintendent of Police being under the influence of Respondent no. 1 has not taken any action on the said application so far.

(o) That the return of election expenses filed by respondent No. 1 is incorrect and false in material particulars.

(p) That Mr. Ghorpate, the private assistant of Respondent No. 1 is an employee of the Central Government and is being paid by the Government to assist the respondent only in his Governmental duties, but he came here with Dr. B. V. Keskar, the Respondent and stayed with him and was in charge of the Respondent's elections.

(q) The U. P. Congress Parliamentary Board issued a poster on its behalf captioned as "Vote do do bailon ki Jodi" in which one most objectionable and coercing slogan i.e. "Jeena hai to vote do—do bailon ki jodi main" which created a fear and frightened the voters. In this way it mounts to threat which involves corrupt practice, a copy of poster attached (App. VII).

12. That on ground of respondent no. 1's taking recoup to fraud and intentional misrepresentation and committing corrupt practices and electoral offences set forth above, as also on account of non-compliance with the provisions of Indian Constitution and of the Representation of the People Act and the Rules made thereunder on the part of Government officers, the said Shri Deokalidin Sharma and others, the result of the election has been materially affected and but for the votes obtained by Respondent no. 1 by the said corrupt practices and electoral offences the petitioner would have obtained a majority of valid votes.

13. That the security money as required under rules has been deposited into the Government Treasury at Sultanpur vide Challan No. 2 dated the 30th April 1957, enclosed.

14. It is, therefore, respectfully prayed that:—

- (A) The election of the Respondent No. 1 be declared void and set aside;
- (B) The petitioner be declared duly elected in place of respondent No. 1;
- (C) Costs may be awarded to the petitioner; and
- (D) Any other relief that the Election Commission or the Election Tribunal may deem proper in the particular circumstances of the case be granted to the petitioner.

(Sd.) ABDUL WAHID,

Dated:

Petitioner.

I, Haji Abdul Wahid, do hereby verify that the contents of paras 1 to 7 of the petition are true to my knowledge and the contents of paras 8 to 13 are based on my information which I believe to be correct and the relief claimed is also correct to my belief.

(Sd.) ABDUL WAHID,

Petitioner.

APPENDIX I

Detailed programme of the visit of Dr. B. V. Keskar, Minister for Information and Broadcasting, Government of India to this district on January 15, 16, 1957.

Jan 15, 1957.	10-30 A.M.	Arrival from Lucknow by car at P. W. D. inspection House, Sultanpur.
	12 Noon	Lunch in P. W. D. Inspection House.
	1 P.M.	Departure for Bharkhare H.S.S. Workers meeting.
	3 P.M.	Departure for Kamtagunj, Tahsil Sadar in connection with the inauguration of Kamtagunj Panchayat Ghar—workers meeting.
	4-30 P.M.	Departure for Sultanpur P. W. D. Inspection House Nighthalt.
Jan. 16, 1957	10 A.M.	Departure for Amethi. Workers meeting.
	11-30 A.M.	Workers meeting at Thaura.
	12-15 P.M.	Thaura to Shahgarh.
	1 P.M.	Lunch at Shahgarh.
	2 P.M.	Shahgarh to Gauriganj. Workers meeting. Inspector of N. E. S. Block and public meeting. Tea at Gauriganj.
	4 P.M.	Gauriganj to Bebugunj workers meeting.
	5 P.M.	Departure for Lucknow via Raebareli by car.

Copy forwarded for information and necessary action:—

1. Supdt. Police Sultanpur.
2. Distt. Planning Officer for making necessary arrangement for inauguration of Kamtagunj Panchayat Ghar and inspection of Gauriganj N.E.S. Block and public meeting.
3. Tahsildars Kadipur and Amethi for making necessary arrangements at Bharkhare and Shahgarh by respective Tahsildars.

4. President D.C.C. for making necessary arrangement at place mentioned above for workers meeting.
5. Tahsildar Sadar for making necessary arrangement at Inspection House.
6. President D. B. & M. B.
7. Distt. Information Officer.
8. President City Congress Committee.
9. Principal Bharkhara H. S. S.
10. Babu Saheb of Shahgarh.
11. Distt. Engineer P. W. D. Sultanpur for reservation of Inspection House.
12. S.D.Os. concerned.

Attested.
Office Supdt.

(Sd.) H. D. PRADHAN, D.M.,

11-1-57

APPENDIX V

List of teachers

1. Shri Avadh Narain Tripathi.
2. Shri Krishna Bal Ram Upadhyay.
3. Shri Ram Bharosay.
4. Shri Brij Bhooshan Lal.
5. Shri Kapil Deo Singh.
6. Shri Indra Pal Singh.

(Sd.) ABDUL WAHID,

APPENDIX VI

1. Shri Ram Dular Singh.
2. Shri Ganga Singh.
3. Shri Ram Dayal.
4. Shri Nanhe Lal.

(Sd.) ABDUL WAHID,

Appendices marked II, III and VII received with the petition are not published.

[No. 82/451/57]

By Order,

DIN DAYAL, Under Sec.